

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:16-cv-00671-APM**

SIMON v. UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS  
Assigned to: Judge Amit P. Mehta  
Cause: 05:552 Freedom of Information Act

Date Filed: 04/05/2016  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****JAMES A. SIMON**

represented by **Kelly Brian McClanahan**  
NATIONAL SECURITY COUNSELORS  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**UNITED STATES DEPARTMENT OF  
JUSTICE EXECUTIVE OFFICE FOR  
UNITED STATES ATTORNEYS**

represented by **Johnny Hillary Walker , III**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
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**TERMINATED: 01/18/2017**  
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**Melanie Dyani Hendry**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 04/05/2016 | <u>1</u> | COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS ( Filing fee \$ 400, receipt number 4616076991) filed by JAMES A. SIMON. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(zrdj) (Entered: 04/11/2016) |
| 04/08/2016 |          | SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS, U.S. Attorney and U.S. Attorney General (zrdj) (Entered: 04/11/2016)   |
| 05/23/2016 | <u>2</u> | NOTICE of Appearance by Johnny Hillary Walker, III on behalf of UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Attachments: # <u>1</u> Certificate of Service)(Walker, Johnny) (Entered: 05/23/2016)                                 |

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|            |           | 05/23/2016)  |
| 06/13/2016 | <u>3</u>  | ANSWER to <u>1</u> Complaint by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Certificate of Service)(Walker, Johnny) (Entered: 06/13/2016)   |
| 06/14/2016 | <u>4</u>  | ORDER directing the parties to meet and confer and file a Joint Status Report on or before July 1, 2016. The Status Report should address, among other things: (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Please see the attached Order for additional details. Signed by Judge Amit P. Mehta on 06/14/2016. (lcapm2) (Entered: 06/14/2016) |
| 06/14/2016 |           | Set/Reset Deadlines/Hearings: Joint Status Report due by 7/1/2016. (cdw) (Entered: 06/14/2016)   |
| 06/20/2016 | <u>5</u>  | MOTION to Modify <i>the Court's June 14, 2016, Order</i> by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Walker, Johnny) (Entered: 06/20/2016)   |
| 06/21/2016 |           | MINUTE ORDER granting <u>5</u> Defendant's Motion to Amend the Court's June 14, 2016, Order. In preparing and filing the Status Report discussed in the court's <u>4</u> June 14, 2016, Order, Defendant need not meet and confer with Plaintiff nor need it file the Status Report jointly on behalf of both parties. Defendant shall comply with the court's <u>4</u> June 14, 2016, Order in all other respects. Signed by Judge Amit P. Mehta on 06/21/2016. (lcapm2) (Entered: 06/21/2016)  |
| 07/01/2016 | <u>6</u>  | STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Walker, Johnny) (Entered: 07/01/2016)   |
| 07/05/2016 | <u>7</u>  | ORDER directing Defendant to file another Status Report on or before August 30, 2016, which notifies the court of Plaintiff's response to Defendant's June 23, 2016, Letter. If appropriate, the Status Report should also notify the court of whether the parties anticipate summary judgment briefing and, if so, propose a briefing schedule. Signed by Judge Amit P. Mehta on 07/05/2016. (lcapm2) (Entered: 07/05/2016)   |
| 07/05/2016 |           | Set/Reset Deadlines: Defendant Status Report due by 8/30/2016 (mac) (Entered: 07/05/2016)  |
| 07/05/2016 | <u>8</u>  | STATUS REPORT by JAMES A. SIMON. (zrdj) (Entered: 07/07/2016)  |
| 07/14/2016 | <u>9</u>  | OBJECTION re <u>6</u> Status Report filed by JAMES A. SIMON. (zrdj) (Entered: 07/18/2016)  |
| 07/25/2016 | <u>10</u> | NOTICE of Change of Address by JAMES A. SIMON (td) (Entered: 07/28/2016)   |
| 07/27/2016 |           | MINUTE ORDER: Based on Plaintiff's Objection to Status Report filed on July 14, 2016, ECF No. 9, it appears that Plaintiff objects to prepayment of duplication costs and does not wish to reformulate or withdraw his FOIA requests. Defendant shall file a status report no later than August 10, 2016, advising the court how it intends to proceed in this matter. The status report due on August 30, 2016, is hereby vacated. Signed by Judge Amit P. Mehta on 07/27/2016. (lcapm1) (Entered: 07/27/2016)  |
| 07/27/2016 |           | Set/Reset Deadlines/Hearings: Defendant's Status Report due by 8/10/2016. (cdw) (Entered: 07/28/2016)  |
| 08/10/2016 | <u>11</u> | STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Text of Proposed Order, # <u>3</u> Certificate of Service)(Walker, Johnny) (Entered: 08/10/2016)   |

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| 08/11/2016 | <u>12</u> | ORDER: In light of <u>11</u> Defendant's Status Report, Defendant shall submit a subsequent Status Report on or before September 9, 2016. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 08/11/2016. (lcapm2) (Entered: 08/11/2016)   |
| 08/11/2016 |           | Set/Reset Deadlines: Defendant Subsequent Status Report due by 9/9/2016. (mac) (Entered: 08/11/2016)   |
| 09/09/2016 | <u>13</u> | STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Walker, Johnny) (Entered: 09/09/2016)   |
| 09/09/2016 | <u>14</u> | NOTICE of Filing Exhibit by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS re <u>13</u> Status Report (Attachments: # <u>1</u> Exhibit 1 to Defendant's Status Report Dated September 9, 2016, # <u>2</u> Certificate of Service)(Walker, Johnny) (Entered: 09/09/2016)  |
| 09/12/2016 |           | MINUTE ORDER: In light of <u>13</u> the Defendant's Status Report, the Defendant shall submit a subsequent Status Report advising the court of progress and suggesting next steps on or before October 10, 2016. Signed by Judge Amit P. Mehta on 09/12/2016. (lcapm2) (Entered: 09/12/2016)   |
| 09/12/2016 |           | Set/Reset Deadlines/Hearings: Defendant's Status Report due by 10/10/2016. (cdw) (Entered: 09/13/2016)   |
| 10/07/2016 | <u>15</u> | STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Walker, Johnny) (Entered: 10/07/2016)   |
| 10/12/2016 |           | MINUTE ORDER: In light of <u>15</u> the Defendant's Status Report, the Defendant shall submit a subsequent Status Report advising the court of progress and suggesting next steps on or before November 7, 2016. Signed by Judge Amit P. Mehta on 10/12/2016. (lcapm2) (Entered: 10/12/2016)   |
| 10/12/2016 |           | Set/Reset Deadlines/Hearings: Defendant's Status Report due by 11/7/2016. (cdw) (Entered: 10/13/2016)  |
| 11/07/2016 | <u>16</u> | STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Walker, Johnny) (Entered: 11/07/2016)   |
| 11/07/2016 |           | MINUTE ORDER: In light of <u>16</u> the Defendant's Status Report, the Defendant shall submit a subsequent Status Report on or before January 6, 2017, advising the court as to (1) the number of potentially responsive pages resulting from the search described in paragraph 6 of <u>16</u> Defendant's Status Report filed on November 7, 2016, (2) a proposed schedule for production of such records, and (3) an estimated date for completing the production. Signed by Judge Amit P. Mehta on 11/07/2016. (lcapm2) (Entered: 11/07/2016) |
| 11/08/2016 |           | Set/Reset Deadlines: Defendant's Status Report due by 1/6/2017 (mac) (Entered: 11/08/2016)   |
| 01/06/2017 | <u>17</u> | STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Walker, Johnny) (Entered: 01/06/2017)   |
| 01/09/2017 |           | MINUTE ORDER: In light of <u>17</u> Defendant's Status Report, Defendant shall submit a subsequent Status Report on or before April 10, 2017. Signed by Judge Amit P. Mehta on 01/09/2017. (lcapm2) (Entered: 01/09/2017)  |
| 01/09/2017 |           | Set/Reset Deadlines: Defendant Status Report due by 4/10/2017. (mac) (Entered: 01/09/2017)   |
| 01/11/2017 | <u>18</u> | MOTION to Process Requests Individually by JAMES A. SIMON (Attachments: # <u>1</u> Exhibit 1 thru 35, # <u>2</u> Exhibit 36 thru 70, # <u>3</u> Certificate of Service, # <u>4</u> Text of   |

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|            |           | Proposed Order)(zrdj) (Entered: 01/13/2017)   |
| 01/13/2017 | <u>19</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION to Process Requests Individually by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Walker, Johnny) (Entered: 01/13/2017)   |
| 01/17/2017 |           | MINUTE ORDER granting <u>19</u> Defendant's Consent Motion for Extension of Time to Respond to Plaintiff's Motion. Defendant's Response shall be due on or before February 20, 2017. Signed by Judge Amit P. Mehta on 01/17/2017. (lcapm2) (Entered: 01/17/2017)  |
| 01/18/2017 | <u>20</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Melanie Dyani Hendry on behalf of UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS Substituting for attorney Johnny Walker (Hendry, Melanie) (Entered: 01/18/2017)   |
| 02/13/2017 | <u>21</u> | MOTION for CM/ECF Password by JAMES A. SIMON (zrdj) (Entered: 02/15/2017)   |
| 02/17/2017 |           | MINUTE ORDER denying without prejudice <u>21</u> Plaintiff's Motion for CM/ECF Password. As Plaintiff's Motion does not comply with Local Civil Rule 5.4(b), his Motion is denied without prejudice (meaning he can file another motion asking for permission to file and have access to the court's electronic docket, but such motion must comply with the local rule). Signed by Judge Amit P. Mehta on 02/17/2017. (lcapm2) (Entered: 02/17/2017) |
| 02/21/2017 | <u>22</u> | Memorandum in opposition to re <u>18</u> MOTION to Process Requests Individually filed by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Exhibit A)(Hendry, Melanie) (Entered: 02/21/2017)  |
| 02/24/2017 | <u>23</u> | MOTION for Summary Judgment by JAMES A. SIMON (Attachments: # <u>1</u> Exhibit)(zrdj) (Entered: 03/01/2017)   |
| 03/03/2017 | <u>24</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>23</u> MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Hendry, Melanie) (Entered: 03/03/2017)   |
| 03/03/2017 |           | MINUTE ORDER granting <u>24</u> Defendant's Consent Motion for Extension of Time. Defendant's Opposition to <u>23</u> Plaintiff's Motion for Summary Judgment shall be filed on or before March 20, 2017. Signed by Judge Amit P. Mehta on 03/03/2017. (lcapm2) (Entered: 03/03/2017)   |
| 03/06/2017 |           | Set/Reset Deadlines: Defendant's Opposition To <u>23</u> Plaintiff's Motion For Summary Judgment due by 3/20/2017. (mac) (Entered: 03/06/2017)  |
| 03/06/2017 | <u>25</u> | REPLY to opposition to motion re <u>18</u> MOTION to Process Requests Individually filed by JAMES A. SIMON. (zrdj) (Entered: 03/08/2017)  |
| 03/20/2017 | <u>26</u> | RESPONSE re <u>23</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Declaration)(Hendry, Melanie) (Entered: 03/20/2017)   |
| 04/03/2017 | <u>27</u> | REPLY to opposition to motion re <u>23</u> MOTION for Summary Judgment filed by JAMES A. SIMON. (zrdj) (Entered: 04/05/2017)  |
| 04/06/2017 | <u>28</u> | STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Hendry, Melanie) (Entered: 04/06/2017)  |
| 04/26/2017 | <u>29</u> | MEMORANDUM OPINION AND ORDER denying <u>18</u> Plaintiff's Motion to Process Requests Individually and <u>23</u> Plaintiff's Motion for Summary Judgment. See the attached Memorandum Opinion and Order for further details. Signed by Judge Amit P. Mehta on 04/26/2017. (lcapm2) (Entered: 04/26/2017)  |

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| 06/26/2017 | <u>30</u> | NOTICE by JAMES A. SIMON (jf) (Entered: 06/27/2017)   |
| 06/28/2017 |           | MINUTE ORDER directing Defendant to file a Status Report no later than July 5, 2017, updating the court on the status of Plaintiff's FOIA requests. Signed by Judge Amit P. Mehta on 06/28/2017. (lcapm2) (Entered: 06/28/2017)   |
| 06/28/2017 |           | Set/Reset Deadlines/Hearings: Defendant's Status Report due by 7/5/2017. (cdw) (Entered: 06/29/2017)  |
| 06/29/2017 | <u>31</u> | STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Declaration of David Luczynski)(Hendry, Melanie) (Entered: 06/29/2017)  |
| 07/03/2017 |           | MINUTE ORDER: In light of <u>31</u> Defendant's Status Report, Defendant shall submit a subsequent Status Report on or before July 19, 2017. Signed by Judge Amit P. Mehta on 07/03/2017. (lcapm2) (Entered: 07/03/2017)  |
| 07/03/2017 |           | Set/Reset Deadlines/Hearings: Defendant's Status Report due by 7/19/2017. (cdw) (Entered: 07/03/2017)   |
| 07/19/2017 | <u>32</u> | STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Hendry, Melanie) (Entered: 07/19/2017)  |
| 07/20/2017 |           | MINUTE ORDER: In light of <u>32</u> Defendant's Status Report, Defendant shall submit a subsequent Status Report on or before September 19, 2017. Signed by Judge Amit P. Mehta on 07/20/2017. (lcapm2) (Entered: 07/20/2017)   |
| 07/20/2017 |           | Set/Reset Deadlines/Hearings: Defendant's Status Report due by 9/19/2017. (zcdw) (Entered: 07/24/2017)  |
| 09/19/2017 | <u>33</u> | STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Hendry, Melanie) (Entered: 09/19/2017)  |
| 09/29/2017 |           | MINUTE ORDER: In light of <u>33</u> Defendant's Status Report, Defendant shall submit a subsequent Status Report on or before October 31, 2017. Signed by Judge Amit P. Mehta on 09/29/2017. (lcapm2) (Entered: 09/29/2017)   |
| 09/29/2017 |           | Set/Reset Deadlines/Hearings: Defendant's Status Report due by 10/31/2017. (zcdw) (Entered: 09/29/2017)   |
| 10/31/2017 | <u>34</u> | STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Hendry, Melanie) (Entered: 10/31/2017)  |
| 11/02/2017 |           | MINUTE ORDER. In light of Defendant's <u>34</u> Status Report, Defendant shall meet and confer with Plaintiff in the next 45 days to determine whether summary judgment briefing will be necessary in this case. Defendant shall notify the court of the status of the matter on or before December 18, 2017, and, if necessary propose briefing schedule for summary judgment. Signed by Judge Amit P. Mehta on 11/2/2017. (lcapm2) (Entered: 11/02/2017)  |
| 12/18/2017 | <u>35</u> | STATUS REPORT <i>and Proposed Briefing Schedule</i> by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Hendry, Melanie) (Entered: 12/18/2017)  |
| 12/18/2017 | <u>36</u> | ORDER entering the briefing schedule proposed in the parties' <u>35</u> Joint Status Report. The schedule for further proceedings in this matter is as follows: (1) Defendant's Motion for Summary Judgment is due on or before February 23, 2018; (2) Plaintiff's Cross-Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment is due on or before March 23, 2018; (3) Defendant's Reply in Support of Summary Judgment and Opposition to Plaintiff's Cross-Motion for Summary Judgment is due on or before April 24, 2018; and (4) Plaintiff's Reply is due on or before May 15, 2018. See the attached Order for details. Signed by Judge Amit P. Mehta on 12/18/2017. (lcapm2) (Entered: 12/18/2017) |
| 12/18/2017 |           | Set/Reset Deadlines/Hearings: Summary Judgment motion due by 2/23/2018. Response to Motion for Summary Judgment due by 3/23/2018. Reply to Motion for   |



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|            |           | Summary Judgment due by 4/24/2018. Cross Motion due by 3/23/2018. Response to Cross Motion due by 4/24/2018. Reply to Cross Motion due by 5/15/2018. (zcdw) (Entered: 12/19/2017)  |
| 12/26/2017 | <u>37</u> | MOTION for Declaratory Ruling, Second MOTION for Summary Judgment, MOTION Injunctive Relief and Request for Order Requiring Request Receipt Acknowledgment and Tracking Number Assignment by JAMES A. SIMON (Attachments: # <u>1</u> Exhibit)(jf) . (Entered: 12/28/2017)  |
| 12/29/2017 | <u>38</u> | Letter from James A. Simon. "Let This Be Filed" Signed by Judge Amit P. Mehta on 12/29/2017 (jf) (Entered: 01/03/2018)   |
| 01/03/2018 |           | MINUTE ORDER. The court will hold a telephonic Status Conference on January 9, 2018, at 2:00 p.m. in Courtroom 10. Signed by Judge Amit P. Mehta on 1/3/2018. (lcapm2) (Entered: 01/03/2018)   |
| 01/03/2018 |           | Set/Reset Hearings: Telephonic Status Conference set for 1/9/2018 at 2:00 PM in Courtroom 10 before Judge Amit P. Mehta. (mac) (Entered: 01/03/2018)   |
| 01/09/2018 |           | Minute Entry for proceedings held before Judge Amit P. Mehta: Telephone Conference held on 1/9/2018. (Court Reporter William Zaremba.) (jl) (Entered: 01/09/2018)  |
| 02/22/2018 | <u>39</u> | MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Hendry, Melanie) (Entered: 02/22/2018)  |
| 02/23/2018 | <u>40</u> | Amended MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Hendry, Melanie) (Entered: 02/23/2018)  |
| 02/23/2018 |           | MINUTE ORDER granting Defendant's <u>40</u> Amended Consent Motion for Extension of Time. The schedule for further proceedings in this matter now is as follows: (1) Defendant's Motion for Summary Judgment is due on or before March 23, 2018; (2) Plaintiff's Cross-Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment is due on or before April 23, 2018; (3) Defendant's Reply in Support of Summary Judgment and Opposition to Plaintiff's Cross-Motion for Summary Judgment is due on or before May 24, 2018; and (4) Plaintiff's Reply is due on or before June 15, 2018. In light of the granting of Defendant's <u>40</u> Amended Consent Motion, the court denies as moot Defendant's <u>39</u> Motion for Extension of Time. Signed by Judge Amit P. Mehta on 2/23/2018. (lcapm2) (Entered: 02/23/2018)   |
| 03/22/2018 | <u>41</u> | Consent MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Hendry, Melanie) (Entered: 03/22/2018)  |
| 03/23/2018 | <u>42</u> | Amended MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Hendry, Melanie) (Entered: 03/23/2018)  |
| 03/23/2018 |           | MINUTE ORDER granting Defendant's <u>42</u> Amended Consent Motion for Extension of Time. The schedule for further proceedings in this matter is as follows: (1) Defendant's Motion for Summary Judgment is due on or before March 30, 2018; (2) Plaintiff's Opposition to Defendant's Motion and Plaintiff's Cross-Motion for Summary Judgment is due on or before May 14, 2018; (3) Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment and Defendant's Opposition to Plaintiff's Cross-Motion for Summary Judgment is due on or before June 14, 2018; and (4) Plaintiff's Reply to Defendant's Opposition to Plaintiff's Cross-Motion for Summary Judgment is due on or before July 6, 2018. Accordingly, Defendant's <u>41</u> Consent Motion for Extension of Time is denied as moot. Signed by Judge Amit P. Mehta on 3/23/2018. (lcapm2) (Entered: 03/23/2018) |
| 03/26/2018 |           | Set/Reset Deadlines: Defendant's Motion For Summary Judgment due by 3/30/2018. Plaintiff's Opposition To Defendant's Motion And Plaintiff's Cross-Motion For Summary Judgment due by 5/14/2018. Defendant's Reply To Plaintiff's Opposition To Defendant's Motion For Summary Judgment and Defendant's Opposition To Plaintiff's Cross-Motion For Summary Judgment due by 6/14/2018. Plaintiff's Reply To Defendant Opposition To Plaintiff's Cross-Motion For Summary Judgment due by   |

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|            |           | 7/6/2018. (mac) (Entered: 03/26/2018)  |
| 03/30/2018 | <u>43</u> | MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of David Luczynski, # <u>3</u> Declaration of AUSA Jesse Barrett, # <u>4</u> Declaration of Carmen M. Banerjee, # <u>5</u> Declaration of Alexis K. Chancellor, # <u>6</u> Declaration of Phillip H. Hatcher)(Hendry, Melanie)Modified on 5/22/2018 (zrdj). (Entered: 03/30/2018)  |
| 04/02/2018 | <u>44</u> | ORDER advising Plaintiff to respond to Defendant's <u>43</u> Motion for Summary Judgment by May 14, 2018, or risk dismissal of the case. See the attached Order for details. Signed by Judge Amit P. Mehta on 4/2/2018. (lcapm2) (Entered: 04/02/2018)   |
| 04/02/2018 |           | Set/Reset Deadlines/Hearings: Response to Motion for Summary Judgment due by 5/14/2018. (zcdw) (Entered: 04/04/2018)   |
| 04/20/2018 | <u>45</u> | NOTICE of Appearance by Kelly Brian McClanahan on behalf of JAMES A. SIMON (McClanahan, Kelly) (Entered: 04/20/2018)   |
| 05/11/2018 | <u>46</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>43</u> MOTION for Summary Judgment by JAMES A. SIMON (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 05/11/2018)  |
| 05/14/2018 |           | MINUTE ORDER granting Plaintiff's <u>46</u> Consent Motion for Extension of Time to File Response/Reply. Plaintiff's Opposition to Defendant's Motion for Summary Judgment is now due on or before June 13, 2018, and Defendant's Reply is due on or before July 13, 2018. Signed by Judge Amit P. Mehta on 5/11/2018. (lcapm2) (Entered: 05/14/2018)  |
| 05/14/2018 |           | Set/Reset Deadlines: Plaintiff's Opposition to Motion for Summary Judgment due by 6/13/2018, Defendant's Reply due by 7/13/2018. (zjd) (Entered: 05/15/2018)   |
| 06/11/2018 | <u>47</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>43</u> MOTION for Summary Judgment by JAMES A. SIMON (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 06/11/2018)  |
| 06/14/2018 | <u>48</u> | MOTION for Status Conference by JAMES A. SIMON (Attachments: # <u>1</u> Exhibit A – McClanahan–Hendry email, # <u>2</u> Exhibit B – Hendry–McClanahan email, # <u>3</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 06/14/2018)   |
| 06/15/2018 |           | MINUTE ORDER granting Plaintiffs' <u>48</u> Motion for Status Conference. The court will hold a Status Conference on June 29, 2018, at 2 p.m., in Courtroom 10. If, because of a scheduling conflict, counsel are unable to participate at this date and time, the parties shall confer about their mutual availability and contact chambers at (202) 354–3250 with two proposed dates and times for rescheduling. Signed by Judge Amit P. Mehta on 6/15/2018. (lcapm2) Modified on 6/15/2018 (lcapm2) (Entered: 06/15/2018) |
| 06/15/2018 |           | Set/Reset Hearings: Status Conference set for 6/29/2018 at 02:00 PM in Courtroom 10 before Judge Amit P. Mehta. (ldc) (Entered: 06/15/2018)  |
| 06/19/2018 |           | MINUTE ORDER. The court will hold a Status Conference in this matter on June 27, 2018, at 11:00 a.m. in Courtroom 10. The Status Conference previously scheduled for June 29, 2018, at 2:00 p.m., is hereby vacated. Signed by Judge Amit P. Mehta on 6/19/2018. (lcapm2) (Entered: 06/19/2018)  |
| 06/19/2018 |           | Set/Reset Hearings: Status Conference set for 6/27/2018 at 11:00 AM in Courtroom 10 before Judge Amit P. Mehta. (zjd) (Entered: 06/20/2018)  |
| 06/27/2018 |           | Minute Entry for proceedings held before Judge Amit P. Mehta: Status Conference held on 6/27/2018, Plaintiff's Cross Motion and Opposition due by 7/13/2018. Defendant's Reply and Opposition due by 8/14/2018. Plaintiff's Reply due by 8/31/2018. (Court Reporter: Timothy Miller) (zjd) Modified court reporter on 1/10/2019 (zjd). (Entered: 06/28/2018)   |
| 07/02/2018 |           | MINUTE ORDER denying Plaintiff's <u>37</u> Request for Declaratory Ruling, Second Motion for Summary Judgment, Request for Order Requiring Acknowledgment and Tracking Number Assignment, and Request for Injunctive Relief as prematurely filed. Plaintiff now has counsel and can make the arguments raised in his Motion in his Cross–Motion for Summary Judgment. Furthermore, Plaintiff's <u>47</u> Consent Motion for  |

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|            |           | Enlargement of Time Within Which to File His Opposition to Defendant's Motion for Summary Judgment is granted. The schedule for summary judgment briefing shall be as set during the Status Conference held on June 27, 2018. Signed by Judge Amit P. Mehta on 7/2/2018. (lcapm2) (Entered: 07/02/2018)   |
| 07/13/2018 | <u>49</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>43</u> MOTION for Summary Judgment by JAMES A. SIMON (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 07/13/2018)   |
| 07/16/2018 |           | MINUTE ORDER granting in part and denying in part Plaintiff's <u>49</u> Consent Motion for Enlargement of Time Within Which to File His Opposition to Defendant's Motion for Summary Judgment. Plaintiff's Opposition now is due on or before July 18, 2018. The court denies the parties' request to move the other deadlines for briefing in this case. Those deadlines shall remain as set during the June 27, 2018, Status Conference. Plaintiff brought this case more than two years ago and in that time the parties have asked for, and received, numerous extensions of time. At the hearing held on June 27, 2018, the court set the schedule specifically requested by the parties. The court also advised the parties that briefing needed to be completed by the end of August for calendar management purposes. The additional week the parties request would take the schedule beyond the agreed-upon end date for briefing. Absent extraordinary circumstances, the court will deny any additional extensions. Signed by Judge Amit P. Mehta on 7/16/2018. (lcapm2) (Entered: 07/16/2018) |
| 07/16/2018 |           | Set/Reset Deadlines: Plaintiff's Opposition due by 7/18/2018. (zjd) (Entered: 07/17/2018)   |
| 07/19/2018 | <u>50</u> | Memorandum in opposition to re <u>43</u> MOTION for Summary Judgment filed by JAMES A. SIMON. (Attachments: # <u>1</u> Exhibit A – Request No. D15–1, # <u>2</u> Exhibit B – Request excerpts, # <u>3</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 07/19/2018)  |
| 07/19/2018 | <u>51</u> | MOTION for Partial Summary Judgment by JAMES A. SIMON (Attachments: # <u>1</u> Exhibit A – Request No. D15–1, # <u>2</u> Exhibit B – Request excerpts, # <u>3</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 07/19/2018)  |
| 07/19/2018 | <u>52</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>43</u> MOTION for Summary Judgment ( <i>Nunc Pro Tunc</i> ) by JAMES A. SIMON (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 07/19/2018)  |
| 07/24/2018 |           | MINUTE ORDER granting Plaintiff's <u>52</u> Nunc Pro Tunc Consent Motion for Brief Enlargement of Time. Signed by Judge Amit P. Mehta on 7/24/2018. (lcapm2) (Entered: 07/24/2018)  |
| 08/14/2018 | <u>53</u> | REPLY to opposition to motion re <u>43</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Declaration of Han Huang, # <u>2</u> Supplemental Declaration of David Luczynski)(Hendry, Melanie) (Entered: 08/14/2018)   |
| 08/14/2018 | <u>54</u> | RESPONSE re <u>51</u> MOTION for Partial Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Han Huang, # <u>3</u> Supplemental Declaration of David Luczynski)(Hendry, Melanie) (Entered: 08/14/2018)   |
| 08/31/2018 | <u>55</u> | REPLY to opposition to motion re <u>51</u> MOTION for Partial Summary Judgment filed by JAMES A. SIMON. (McClanahan, Kelly) (Entered: 09/01/2018)   |
| 09/01/2018 | <u>56</u> | SURREPLY to re <u>43</u> MOTION for Summary Judgment filed by JAMES A. SIMON. (McClanahan, Kelly) (Entered: 09/01/2018)   |
| 09/01/2018 | <u>57</u> | Unopposed MOTION for Leave to File <i>Sur–Reply</i> by JAMES A. SIMON (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 09/01/2018)   |
| 01/15/2019 |           | MINUTE ORDER. The parties shall appear for a hearing in this matter on January 31, 2019, at 2:30 pm in Courtroom 10. The court will hear from the parties on their pending motions for summary judgment. In the event Department of Justice of operations remain unfunded as that date approaches, the court will continue the  |



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|            |           | hearing. Signed by Judge Amit P. Mehta on 01/15/2019. (lcapm3) (Entered: 01/15/2019)   |
| 01/15/2019 |           | Set/Reset Hearings: Motion Hearing set for 1/31/2019 at 2:30 PM in Courtroom 10 before Judge Amit P. Mehta. (zjd) (Entered: 01/16/2019)  |
| 01/29/2019 | <u>58</u> | MOTION to Continue <i>Hearing Scheduled for January 31, 2019 at 2:30 pm</i> by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (Hendry, Melanie) (Entered: 01/29/2019)  |
| 01/29/2019 |           | MINUTE ORDER granting <u>58</u> Defendant's Motion to Continue Hearing. The hearing scheduled for January 31, 2019, is now vacated. The hearing is re-scheduled to Thursday, February 14, 2019, at 11 a.m. in Courtroom 10. The court will hear from the parties on their pending motions for summary judgment. Signed by Judge Amit P. Mehta on 01/29/2019. (lcapm3) (Entered: 01/29/2019)                          |
| 01/29/2019 |           | Set/Reset Hearings: Motion Hearing set for 2/14/2019 at 11:00 AM in Courtroom 10 before Judge Amit P. Mehta. (zjd) (Entered: 02/01/2019)   |
| 02/14/2019 |           | MINUTE ORDER. For the reasons stated at the hearing held on this date, <u>43</u> Defendant's Motion for Summary Judgment, <u>51</u> Plaintiff's Motion for Partial Summary Judgment, and <u>57</u> Plaintiff's Unopposed Motion for Leave to File Sur-Reply are denied. The parties shall submit a Joint Status Report on April 5, 2019. Signed by Judge Amit P. Mehta on 02/14/2019. (lcapm3) (Entered: 02/14/2019) |
| 02/14/2019 |           | Minute Entry for proceedings held before Judge Amit P. Mehta: Motion Hearing on <u>43</u> and <u>51</u> Motions for Summary Judgment held on 2/14/2019. Joint Status Report due by 4/5/2019. (Court Reporter: William Zaremba) (zjd) (Entered: 02/20/2019)   |
| 04/05/2019 | <u>59</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Hendry, Melanie) (Entered: 04/05/2019)   |
| 04/09/2019 |           | MINUTE ORDER. The parties shall file an additional Joint Status Report by May 3, 2019, which updates the court on their efforts to identify and produce responsive records. Signed by Judge Amit P. Mehta on 4/9/2019. (lcapm2) (Entered: 04/09/2019)  |
| 04/09/2019 |           | Set/Reset Deadlines: Joint Status Report due by 5/3/2019. (zjd) (Entered: 04/09/2019)  |
| 05/01/2019 | <u>60</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Hendry, Melanie) (Entered: 05/01/2019)   |
| 05/09/2019 |           | MINUTE ORDER. The parties shall file an additional Joint Status Report by May 10, 2019, which updates the court on their plan for future proceedings. Signed by Judge Amit P. Mehta on 5/9/2019. (lcapm3) (Entered: 05/09/2019)  |
| 05/09/2019 |           | Set/Reset Deadlines: Joint Status Report due by 5/10/2019. (zjd) (Entered: 05/10/2019)   |
| 05/10/2019 | <u>61</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS. (Hendry, Melanie) (Entered: 05/10/2019)   |
| 05/10/2019 |           | MINUTE ORDER. The parties shall file an additional Joint Status Report by May 17, 2019, which updates the court on their plan for future proceedings. Signed by Judge Amit P. Mehta on 5/10/2019. (lcapm3) (Entered: 05/10/2019)   |